

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

SCOTT MATTHEW MALONE

PLAINTIFF

V.

NO. 3:15CV0096-NBB-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER REQUIRING SUPPLEMENTAL AFFIDAVIT

Before the court is Scott Matthew Malone's motion for leave to proceed in this action filed pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) without prepayment of costs or giving security therefor [2]. Having carefully considered the motion and supporting affidavit, the court has determined that the claimant should be required to submit additional information regarding financial resources available to him.

In his affidavit filed in support of the motion, the claimant states he is unemployed but receives "VA disability benefits in the amount of \$3,150.00 per month." The claimant's monthly expenses, including, but not limited to, a \$1,350.00 mortgage payment and a \$930.00 automobile payment, total \$3,399.00. However, while the claimant admits he has a checking account at "Teachers Federal Credit Union," he does not state how much is in the account. And, though he explains he "own[s] a 2013 Chevrolet pickup and *our* home," he gives no indication of the value of this property.

The court should consider all monetary resources available to the claimant in making the *in forma pauperis* determination, and it is appropriate for the court to consider a spouse's income. *See Bruton v. Colvin*, No. 4:14cv83-A, 2014 WL 840993, at *1 (N.D. Tex. March 4, 2014). Here, the court cannot determine whether the claimant is entitled to pauper status

because he has failed to provide sufficient information about his financial status.

THEREFORE, IT IS ORDERED:

That within fourteen (14) days of this date, the claimant shall file a supplemental affidavit which includes a statement of his spouse's income (if applicable); the value of the home and automobile identified above; and the amount contained in his credit union account. The claimant is warned that failure to timely provide this information will result in a recommendation to the district judge that his motion be denied.

THIS, the 15th day of June, 2015.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE